



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,832	11/15/2001	Anoop Tripathi	01-1012	7639
7590	12/07/2005		EXAMINER	
McDonnell Boehnen Hulbert & Berghoff 32nd Floor 300 S. Wacker Drive Chicago, IL 60606			LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/002,832	TRIPATHI ET AL.	
	<b>Examiner</b> Anh-Vu H. Ly	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6-10 is/are allowed.
- 6) Claim(s) 1-5 and 11-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Feb. 20, 2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 6, 10-11, 16, 20-21, 28, and 29 are objected to because of the following informalities:

With respect to claims 1, 11, 16, 21, in line 1, the term “for multicasting” is not a positive limitation but only requires the ability to so perform. Therefore, it does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

With respect to claim 6, in line 1, the term “for provide” is not a positive limitation but only requires the ability to so perform. Therefore, it does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

With respect to claim 10, in line 1, “the message” lacks antecedent basis.

With respect to claim 11, in line 4, the acronym “RTP” should be spelled out.

With respect to claim 20, in line 1, the term “for determining” is not a positive limitation but only requires the ability to so perform. Therefore, it does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

With respect to claims 28 and 29, in line 1, the term “for processing” is not a positive limitation but only requires the ability to so perform. Therefore, it does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 28 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program is merely a set of instructions and itself, not a process. Therefore, it is a nonstatutory functional descriptive material.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 16-18, 21, 23-26, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kozdon et al (US Patent No. 6,456,601 B1). Hereinafter, referred to as Kozdon.

With respect to claims 1, 21, 26, and 28, Kozdon discloses a method for multicasting announcements in a communication network (Fig. 2), the method comprising:

establishing an address in a memory (Fig. 3, step 46);

forming an announcement (Fig. 3, step 44, call progress tones); and

broadcasting the announcement on the address (col. 4, lines 35-37 – the tones or deliveries may be multiplexed into a single data stream that can be broadcast to all the devices or multicast to registered devices).

With respect to claims 3, 18, and 23, Kozdon discloses that wherein the announcement is a tone (Fig. 3, step 44).

With respect to claims 4 and 24, Kozdon discloses that wherein the tone is a call-ringing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claims 5 and 25, Kozdon discloses that wherein the tone is a call-routing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claim 16, Kozdon discloses a method for multicasting announcements, the method comprising:

establishing an address (col. 4, lines 10-12 – each of the call progress tones or pre-programmed audio deliveries at the server 10 may be associated with a unique multicast address);

forming a plurality of announcements (col. 3, lines 64-65 and Fig. 3 – a multicast server 10 for storing or creating the tones 44 or deliveries 43);

playing each of the plurality of announcements to a distinct address in a memory device (Fig. 3, step 46, tones and deliveries are broadcasted to associated addresses); and

allowing multiple entities to retrieve the announcement from any of the distinct addresses (col. 4, lines 12-14 – telephony enabled devices within the network may obtain a particular call progress tone by registering to the specific multicast group).

With respect to claim 17, Kozdon discloses that wherein the announcement being played at a particular address is switched substantially immediately to another announcement (col. 2, lines 66-67 – the ACD device can periodically select an alternate announcement from the multiplex stream, which comprising a plurality of multiplexed tones or deliveries).

4. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant et al (US Pub 2002/0136206 A1). Hereinafter, referred to as Gallant.

With respect to claim 11, Rosenberg discloses a method for multicasting announcements, the method comprising:

transmitting an INVITE message to a called party device (page 6, 86<sup>th</sup> paragraph – proxy NS1 attempts contact via Terminal 2 by sending an INVITE message);

receiving responsively to the INVITE message, a response message from the called party device (page 6, 86<sup>th</sup> paragraph – Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing), the response message including an RTP destination address (herein, the provisional response must include the address of the Terminal 2); and

locating the RTP destination address (herein, response is received at the proxy) and obtaining an announcement from the RTP destination address (the ringing tone).

With respect to claims 12 and 13, Gallant discloses that wherein the announcement is call routing-tone and/or call ringing tone (page 6, 86<sup>th</sup> paragraph - Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing. Herein, the tone is a ringing tone or routing tone).

With respect to claims 14 and 15, Gallant discloses that wherein the response message is a “100 Trying” and/or “180 Ringing” message (page 6, 84<sup>th</sup> paragraph and 86th paragraph – “100 Trying” and “180 Ringing”).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 19-20, 22, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (US Patent No. 6,456,601 B1) in view of Petersson (US Patent No. 6,763,003 B1). Hereinafter, referred to as Kozdon and Petersson.

With respect to claims 2 and 22, Kozdon discloses a method and system to provide telephony tones and announcements in a packetized network environment (Fig. 2). Kozdon does not disclose communicating the address to a device and retrieving the announcement from the address. Petersson discloses that the control center sends a message, including the VC identifier

(address), to the terminal instructing the terminal to listen to a particular VC for the tone (announcement) (col. 3, lines 30-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the feature of sending a channel identifier or address for obtaining a corresponding tone to a terminal in Kozdon's system, as suggested by Petersson, to reduce the number of channels used among a plurality of terminals since all terminals listen to a same address for a particular tone and not having separate channels for different tones and for different terminals.

With respect to claims 19, 20, 27, and 29, Kozdon discloses an announcement server (Fig. 3, element 10) comprising:

means for initiating the broadcasting of announcements (Fig. 3, element 50 including means for multicasting signals);

means for determining an address to broadcast the announcements and means for broadcasting the announcements to the address (Fig. 3, elements 44 and 46, call progress tones are broadcasted to determined and/or associated addresses);

means for communicating the announcements to a proxy (col. 5, lines 33-39 – proxies are used to receive and process call progress tones and deliveries from the server).

Kozdon does not disclose that the proxy communicating the address to a caller device. Petersson discloses that the control center sends a message, including the VC identifier (address), to the terminal instructing the terminal to listen to a particular VC for the tone (announcement) (col. 3, lines 30-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the feature of sending a channel identifier or address for

obtaining a corresponding tone to a terminal in Kozdon's system, as suggested by Petersson, to reduce the number of channels used among a plurality of terminals since all terminals listen to a same address for a particular tone and not having separate channels for different tones and for different terminals.

***Allowable Subject Matter***

6. Claims 6-10 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest that the announcement server continuously broadcasting selected announcements to an address in a memory; announcement server communicating the plurality of addresses to the proxy; and the proxy communicates the address, associated with continuously broadcasted selected announcements, to the caller device, as specified in independent claim 6.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamada et al (US Pub 2002/0058521 A1) discloses distribution system capable of easy registration or renewal of ringing tones.

Gallant (US Pub 2002/0131575 A1) discloses method and system for providing intelligent network control services in IP telephony.

Art Unit: 2667

Holden (US Patent No. 6,771,639 B1) discloses providing announcement information in requests to establish interactive call sessions.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



avl